



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

VIA CERTIFIED MAIL

Mr. Denis Enslinger
Deputy City Manager
City of Gaithersburg
31 South Summit Avenue
Gaithersburg, Maryland 20877-2038

SEP 27 2016

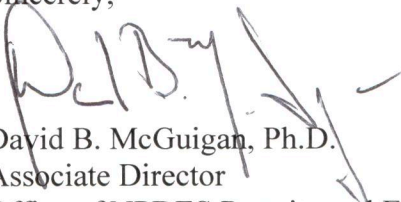
Re: City of Gaithersburg, Maryland NPDES Permit No. MDR055500

Dear Mr. Enslinger:

Pursuant to Section 308 of the Clean Water Act, 33 U.S.C. 1318, the U.S. Environmental Protection Agency, Region III is sending the City of Gaithersburg the enclosed Information Requirement to obtain additional information regarding the City's NPDES permit number MDR055500 for discharges from its municipal separate storm sewer system.

Should you have any questions regarding this Information Requirement, please contact Peter Gold of my staff at (215) 814-5236 or have your counsel contact Kelly Gable in the Office of Regional Counsel at (215) 814-2471.

Sincerely,



David B. McGuigan, Ph.D.
Associate Director
Office of NPDES Permits and Enforcement

Cc (via hand-delivery):

Kelly Gable, EPA Region III, Office of Regional Counsel
Peter Gold, EPA Region III, Water Protection Division
Andrew Dinsmore, EPA Region III, Water Protection Division

Cc (via electronic mail):

Raymond Bahr, MDE
N. Lynn Board, City Attorney, City of Gaithersburg



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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

In The Matter of	:	
	:	
City of Gaithersburg, Maryland	:	Proceeding under Section 308 of the
	:	Clean Water Act, 33 U.S.C. § 1318
	:	
31 South Summit Avenue	:	
Gaithersburg, MD 20877-2038	:	
	:	
	:	INFORMATION REQUIREMENT
Respondent	:	
	:	

I. STATUTORY AUTHORITY

1. This Information Requirement is issued under the authority vested in the United States Environmental Protection Agency (EPA) by Section 308 of the Clean Water Act (CWA), 33 U.S.C. § 1318. The Administrator of the EPA has delegated this authority to the Regional Administrator of EPA Region III who in turn has delegated it to the Director of the Water Protection Division of EPA Region III, who in turn has delegated it to the Associate Director of the Office of NPDES Permits and Enforcement. EPA hereby requires the City of Gaithersburg (City or Respondent) to provide the information specified below.

II. STATUTORY AND REGULATORY BACKGROUND

2. EPA is authorized under Section 308 of the CWA, 33 U.S.C. § 1318, to require owners and operators of point sources to establish records and make such reports as may be necessary to carry out the purpose of the Act, including but not limited to:
 - a. Developing or assisting in the development of any effluent limitation, or other limitation, prohibition, effluent standard, pretreatment standard, or standard of performance under the CWA;
 - b. Determining whether any person is in violation of any such effluent limitation, or other limitation, prohibition or effluent standard, pretreatment standard, or standard of performance;
 - c. Any requirement under Section 308 of the CWA; and
 - d. Carrying out Sections 305, 311, 402, 404, and 504 of the CWA.

3. Failure to respond as directed to a CWA Section 308 Information Requirement is punishable under the civil and criminal provisions of Section 309 of the CWA, which provide for the assessment of penalties, injunctive relief and imprisonment. Providing misleading or false information may subject you to civil and criminal sanctions. The information you provide may be used by EPA in administrative, civil or criminal proceedings.
4. You may, if you desire, assert a business confidentiality claim covering all or part of the information required herein in the manner described in 40 C.F.R. Part 2 Subsection B. Information covered by such a claim will be disclosed by EPA only to the extent and by means of the procedures set forth in Subpart B, 40 C.F.R. Part 2. If no claim of confidentiality accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice. You may not withhold any information from EPA on the grounds that it is confidential business information. This inquiry is not subject to review by the Office of Management and Budget under the Paperwork Reduction Act, 44 U.S.C. Chapter 35. (See 5 C.F.R. § 1320.3(c)).

III. INSTRUCTIONS

5. Provide a separate narrative response for each question contained in this Information Requirement and for each subpart of each question. Precede each answer with the corresponding number of the question to which it responds.
6. Identify each person responding to each question contained in this Information Requirement on behalf of the Respondent, as well as each person consulted in the preparation of the response.
7. For each question, identify each document consulted, examined, or referred to in the preparation of the response or that contains information responsive to the question, and provide a true and correct copy of each such document if not provided in response to another specific question.
8. Indicate on each document produced in response to this Information Requirement, or in some other reasonable manner, the number of the question to which it corresponds.
9. If tabulation is required, provide your response in tabular form in both hard copy and as an electronic spreadsheet file in Microsoft Excel format.
10. If requested information or documents are not known or are not available at the time of your response to this Information Requirement but later become known or available, the Respondent must supplement its response to EPA. Moreover, should the Respondent find at any time after submission of its response that any portion is or becomes false, incomplete, or misrepresents the facts; the Respondent must provide EPA with a corrected response as soon as possible.

11. All submissions provided pursuant to this Information Requirement shall be signed and dated by a responsible official of Respondent and include the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signed _____
Title _____"

12. Submit your response to this Information Requirement to the following individuals:

Mr. Peter Gold (3WP42)
NPDES Enforcement Branch
Water Protection Division
U. S. Environmental Protection Agency
1650 Arch Street
Philadelphia, PA 19103-2029

Kelly A. Gable
Office of Regional Counsel (3RC20)
U.S. Environmental Protection Agency, Region 3
1650 Arch Street (3RC20)
Philadelphia, PA 19103

13. If you have questions regarding this Information Requirement, you may contact Mr. Peter Gold at (215) 814-5236 or have your counsel contact Ms. Kelly Gable at (215) 814-2471.

IV. DEFINITIONS

14. The terms "document", "documents" and "documentation" shall mean any format that records, stores, or presents information, and includes writings, memoranda, records, or information of any kind, formal or informal, whether wholly or partially handwritten or typed, whether in computer format, memory, or storage device, or in hard copy, including any form or format of these types. If in computer format or memory, each such document shall be provided in a translated form useable and readable by EPA, with all necessary documentation and support. Documents in hard copy shall also include: (a) a copy of each document that is not an exact duplicate of a document provided; (b) each copy on which there is any writing, notation, or the like; (c) drafts; (d) attachments to or enclosures with any document; and (e) every other document referred to or incorporated into each document.

15. The term "identify", with respect to a natural person, means to provide that person's name, address, telephone number, title, and relationship to Respondent. The term "identify", with respect to a business entity, means to provide that entity's name, address, and relationship to the Respondent, and to identify an individual who can provide information related to, and on behalf of, the entity.
16. The term "day" means a calendar day. In computing any period of time under this Information Requirement, where the last day would fall on a Saturday, Sunday, federal or state holiday, the period shall run until the close of the next business day.

V. INFORMATION REQUIREMENT

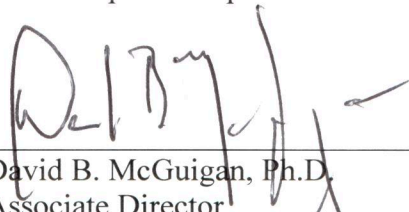
AND NOW, this 26th day of September, 2016, Respondent is hereby directed, pursuant to Section 308 of the Act, 33 U.S.C. § 1318, to provide the following information within twenty-eight (28) days of the Effective Date of this Information Requirement:

17. The triennial schedule for inspecting post-construction stormwater management best management practices (PCSWMBMPs) that ensures that all PCSWMBMPs are inspected by the City every three years.
18. A description or documentation of the information that will be collected and memorialized by the City for each PCSWMBMP inspection, and a description of how and where the City will collect and store that information.
19. A description of the PCSWBMP inspections that occurred in the past twelve months including the date of the inspection, the name or description of the PCSWBMP inspected, the location of the PCSWBMP inspected, and the result of the inspection.
20. The City's written procedures for tracking the source(s) of an illicit discharge and the City's outfall screening process.

VI. EFFECTIVE DATE

This INFORMATION REQUIREMENT is effective upon receipt.

Date: 9/26/16



David B. McGuigan, Ph.D.
Associate Director
Office of NPDES Permits and Enforcement
Water Protection Division